

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**ANTONIO HERNANDEZ PADILLA,
#1009251,**

Petitioner,

v.

**WILLIAM STEPHENS, Director,
TDCJ-CID,**

Respondent.

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Civil Action No. 3:16-CV-468-L

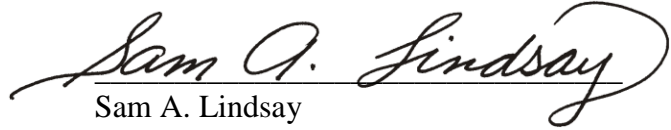
ORDER

Before the court is Petitioner Antonio Hernandez Padilla's ("Petitioner") *pro se* Motion for Leave to Proceed *in forma pauperis* (Doc. 4), filed February 18, 2016. The case was referred to Magistrate Judge Irma Carrillo Ramirez, who entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge ("Report") on April 6, 2016, recommending that the court deny Petitioner's application to proceed *in forma pauperis* and dismiss the petition without prejudice for failure to prosecute or follow an order of the court unless Petitioner pays the filing fee or submits a motion to proceed *in forma pauperis* with the required certificate of inmate trust account ("CTA") within the time for filing objections to the report, or some other deadline established by the court. No objections to the Report were filed.

After reviewing the pleadings, file, record, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. As Petitioner has had sufficient time to pay his filing fee or submit a new a motion to proceed *in forma pauperis* with the required CTA, the court exercises its discretion and will not establish a later deadline. Accordingly, the court **denies** Petitioner's Motion for Leave to Proceed

in forma pauperis and *sua sponte* **dismisses** the petition **without prejudice** for failure to prosecute or comply with an order of the court pursuant to Federal Rule of Civil Procedure 41(b).

It is so ordered this 28th day of April, 2016.

A handwritten signature in black ink, reading "Sam A. Lindsay". The signature is written in a cursive style with a large, sweeping loop at the end of the last name.

Sam A. Lindsay
United States District Judge